

1 KELLY LITIGATION GROUP, INC.  
2 RICHARD KELLY, ESQ. (SBN 154504)  
3 MICHAEL MENGARELLI, ESQ. (215000)  
4 306 Lorton Avenue  
5 Burlingame, CA 94010  
6 Tel: (650) 591-2282  
7 Fax: (650) 591-2292

8 Attorneys for Petitioners,  
9 WILLIAM MICHAEL WAGNER & JAN SONNEMAN, AND  
10 RICHARD ELLISON

11  
12 **UNITED STATES BANKRUPTCY COURT**  
13 **NORTHERN DISTRICT OF CALIFORNIA**  
14 **SAN FRANCISCO DIVISION**

15 In re  
16 ACEH CAPITAL, LLC,  
17 Debtor.

Case No.: 21-30299 DM

Chapter 7

**DECLARATION OF WILLIAM  
MICHAEL WAGNER IN SUPPORT OF  
MOTION & APPLICATION FOR  
TURNOVER RELIEF EFFECTING  
INTEREST IN REAL PROPERTY**

**If No Opposition, No Hearing Necessary**

**Judge: DENNIS MONTALI  
U.S. Bankruptcy Judge**

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22 TO: THE COURT and ACEH CAPITAL, LLC by and through U.S. Bankruptcy  
23 Trustee, E. Lynn Schoenmann and counsel Aron M. Oliner, Esq., and Geoffrey A. Heaton,  
24 Esq.; and Jay D. Crom, Esq., and Eric A. Nyberg, Esq. for ACEH CAPITAL, LLC:

25 I, WILLIAM MICHAEL WAGNER, declare as follows:

- 26 1. I am a resident of Redwood City, CA and am an adult person over the age of 18 and  
27 competent to testify about the facts stated herein if so called to do so.  
28 2. I am a married man and my wife is Jan Sonneman.

1 3. In 2000, I became a 45% owner, through my IRA plan, and then a 30% joint tenant  
2 owner with my wife, Jan Sonneman, in the following Property located at 36th STW  
3 VIC Ave. F6 in Lancaster, County of Los Angeles with APN 3107-003-004 with the  
4 following legal description:

5 ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF LANCASTER,  
6 COUNTY OF LOS  
ANGELES, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

7 PARCEL 8, IN THE CITY OF LANCASTER, COUNTY OF LOS ANGELES, STATE OF  
8 CALIFORNIA, AS  
9 SHOWN ON RECORD OF SURVEY MAP FILED IN BOOK 66, PAGES 27 AND 28 OF  
10 RECORD OF SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID  
COUNTY.

11 EXCEPT THEREFROM ONE-FOURTH INTEREST IN AND TO ALL MINERALS, OIL,  
12 GAS, AND OTHER  
13 HYDROCARBON SUBSTANCES IN AND UNDER SAID LAND, WITHOUT RIGHT  
OF ENTRY, AS RESERVED BY WARREN O. WAGNER AND ROSE MARIE  
14 WAGNER, HUSBAND AND WIFE, BY DEED RECORDED FEBRUARY 1, 1955 AS  
INSTRUMENT NO. 208, OFFICIAL RECORDS.

15 **APN: 3107-003-004.**

16 4. That as co-owner with Richard V. Ellison, I am aware that ACEH Capital LLC through  
17 its related business ACE Capital Group, wrote to Mr. Ellison admitting an 'error' and  
18 'mistake' with regard to Mr. Ellison's 25% in the Los Angeles County Records.

19 5. In November 2002, ACEH Capital wrote to me with copy to Mr. Ellison denoting "As  
20 you know ACEH Capital is no longer a co-owner on the referenced parcel of land of  
21 which you are the majority interest holder." Attached hereto is a true and correct copy  
of the 2002 letter I received.

22 6. That I have retained Mr. Kelly to try to resolve this matter amicably but that an  
23 agreement could not be reached for the Trustee on behalf of ACEH Capital, LLC to  
24 correct the title issues back in the name of Richard V. Ellison; requiring this motion.  
25 As the co-owner of this property with 75%, I consent to the court's issuing of an order  
26 correcting the error and putting listed title back into Richard Ellison's name.


1 I declare under penalty of perjury under the laws of the State of California that the  
2 foregoing facts and attached documents are true and correct.

3 Dated: October 1, 2021

4 By: /s/ William Michael Wagner  
5 WILLIAM MICHAEL WAGNER  
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1 I declare under penalty of perjury under the laws of the State of California that the  
2 foregoing facts and attached documents are true and correct.

3 Dated: September 7, 2021

4 By:   
5 WILLIAM MICHAEL WAGNER  
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# ACEH Capital, LLC

2075 WOODSIDE ROAD  
REDWOOD CITY, CA 94061  
TEL: (650) 364-3330  
FAX: (650) 364-0720

November 27, 2002

**Mr. William M. Wagner**  
**1595 Cordilleras Road**  
**Redwood City, CA 94062**

Re: APN 3107-003-004  
Handling of Property Taxes

Dear Mr. Wagner:

As you know ACEH Capital is no longer a co-owner on the referenced parcel of land of which you are the major interest holder. As such, you would like to ensure that the property taxes are handled properly.

Enclosed please find the Annual Property Tax Bill for this parcel. Copies of this tax bill have been sent to your co-owners at the addresses listed in the attached Ownership Report. Please contact your co-investors immediately and have them acknowledge receipt of the copy of the tax bill. They in turn should produce checks, made payable to Los Angeles County Tax Collector, for the amount corresponding to their percentage interest in the property and mail them to your address. **If your land purchase was made through an IRA or any other retirement plan, please follow the instructions on the attached sheet.** Upon receipt of all their payments include your own check and mail them all, along with the tax bill slip corresponding to the 1<sup>st</sup> Installment. Make sure that the complete payment for the 1<sup>st</sup> Installment is postdated before December 10, 2002. This process should be repeated for the 2<sup>nd</sup> Installment, which should be completed before April 10th, 2003.

For your convenience a change of address form has also been enclosed for you to fill up and mail to the Tax Collector, which will instruct them to mail all future bills and correspondence directly to your address.

Should you have any questions on this matter, please feel free to contact us at the number above. Thank you.

Sincerely,

Accounting Department  
ACEH Capital, LLC

**CC: MR. RICHARD ELLISON**